

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Amended Complaint!

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FILED

JUN 05 2017

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Dontee L. Brown

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Judge: Phillip G. Reinhard

Case No: 16 C 50337
(To be supplied by the Clerk of this Court)

Sheriff: Kelly C. Wilhelmi, LT.

Tim Erickson, (Nurse) Julie

Warkins, ~~Dr. Alma Martija~~

~~Dr. Alma Martija~~

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

AMENDED COMPLAINT

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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I. Plaintiff(s):

- A. Name: Dontee L. Brown
- B. List all aliases: _____
- C. Prisoner identification number: 20866
- D. Place of present confinement: Whiteside County Jail
- E. Address: 400 N. Cherry St. Morrison IL 61270

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

- A. Defendant: Kelly C. Wilhelmi
 Title: Sheriff
 Place of Employment: Whiteside County Jail
- B. Defendant: Tim Erickson
 Title: LT.
 Place of Employment: Whiteside County Jail
- C. Defendant: Julie Warkins
 Title: Head Nurse
 Place of Employment: Whiteside County Jail

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

Defendant: ~~Dr. Alma Martisa~~ Dr. Alma Martisa
 Title: Attending physician at Whiteside county Jail
 Place of Employment: Whiteside county Jail / ACH Medical Provider

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: 1983 Civil suit Docket # 13C 50280
- B. Approximate date of filing lawsuit: August 15th 2013
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Dontee L. Brown
- D. List all defendants: Det. Michael R. Henry, Det. Sgt. Jay Koett, Det. Veronica Jaramillo, Officer Doug Wolter, and Robert Lyando
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois
- F. Name of judge to whom case was assigned: Fredrick J. Kapala and Magistrate Judge Iain D. Johnston
- G. Basic claim made: Violations of rights under the 4th amendment for the use of excessive force during a strip search.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Settled out of court
- I. Approximate date of disposition: 12-4-14

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Jurisdiction

1) The Court has jurisdiction over plaintiff's claims of violation of his Constitutional Rights under 28 U.S.C. § 1331 (a) 1343.

2) The Plaintiff seeks declaratory relief pursuant to 28 U.S.C. § 2201 & 2202
Plaintiff

3) At all times relevant to this case Plaintiff is currently being held in Whiteside County Jail on criminal charges unrelated to this claim.

Capacities

4) All defendants named in this action are being sued in both their individual and their official capacities.

Color of state Law

5) All defendants named in this action acted under Color of State Law at all relevant times.

6) The Sheriff and his ^{Nature of case} LTs are ultimately responsible for all policy practices and procedures and the usage of them by the officers, deputies and corporals of Whiteside County Jail that apply to detainees, including medical treatment. All of the defendants owed plaintiff a duty not to violate his 4th & 8th amendment rights by allowing him to be subjected and continuing to allow him to be subjected to medical indifference. An defendants

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Warkins & Martija were complacent in as a medical professional they took no steps to discontinue unlicensed officers from handling narcotic medication in whiteside county even after reports of the wrong meds being given to not only the plaintiff but also other detainees. An even after the fact plaintiff still hasn't had issues of physical complications resulting from ingesting the wrong meds addressed by defendant Martija. The medical staff is in violation of the 8th & 14th amendment of the U.S. Constitution which protects against Cruel and unusual punishment and guarantees Equal protection.

7) On March 27th 2016 Plaintiff was given the wrong medication by an unlicensed Eo in whiteside county an after informing Eo of what happened defendant was made to take his prescribed medication on top of the wrong meds.

8) On March 28th plaintiff sent a medical request to Nurse Warkins to inform her that he was experiencing chest & abdominal pains.

9) On March 29th Plaintiff made a verbal complaint an was told nurse was gone for the day,

10) After not being seen the previous day Plaintiff was still experiencing pains as well as severe diarrhea on March 30th an still wasn't seen by Nurse Warkins.

11) On March 31st Plaintiff was mysteriously shipped to another facility where he stayed until June 22nd an where he also sent numerous request about his condition to medical staff to no avail.

12) On June 27th Plaintiff sent a medical request to defendant Warkins about his abnormal bowel movement & stomach pains that has be going on since March 31st.

- 13) On or about the end of June 2016 plaintiff was finally seen by Defendant Warkins who was so preoccupied with plaintiff compounded issues that she became so aggressive and upset that she stormed off before, he could even get to his stomach & bowel issues.
- 14) After filing grievances and other complaints with the correctional staff plaintiff was finally seen again by Defendant Warkins who admitted that defendants Erickson & Kelly allowed their staff to give ^(plaintiff) me the wrong medication but proceeded to say that the physical complication were all in his head.
- 15) Plaintiff has been experiencing uncontrolled diarrhea as well as fecal matter coming out on occasion when he passed gas and this wasn't happening prior to him taking the wrong meds on March 27th.
- 16) Plaintiff informed the Medical & Correctional staff that if he wasn't seen and treated that he would exercise his legal rights to compel them to do so.
- 17) Plaintiff has been taken psychotropic medication for yrs. to help control his PTSD and night terrors which are the meds that got mixed in March of 2016.
- 18) When plaintiff was finally seen by Defendant Martija she not only refused to address my abdominal issue & bowel movement and didn't want to send him to an outside hospital she also ordered him be taken off of his meds cold turkey.
- 19) Defendant Martija refused to put plaintiff back on his meds even though the mental health staff has recommended he be put back on multiple times since taking him off.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

As to each claim in this case grant Plaintiff declaratory relief 2) As to each claim raised in this case grant plaintiff actual damages in U.S. dollars jointly & severally and against each of the defendants 3) to each claim raised in this case grant plaintiff punitive damages in U.S. dollars jointly & severally against each defendant. 4) Grant Plaintiff attorney fees 5) Grant Plaintiff and all such other reliefs this Honorable court deems just & fair. 6) Grant Plaintiff injunctive relief to bar defendants from using their influence to persuade a retaliatory outcome in my current criminal case.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 6th day of November, 20 16

[Signature]
(Signature of plaintiff or plaintiffs)

Dante L. Brown
(Print name)

20866
(I.D. Number)

400 N. Cherry St
Morrison IL 61270
(Address)

20) Defendant Martija instead became fixated on Plaintiff's blood pressure which has never been a problem for him and still refuses to order a MRI and put him back on his prescribed meds which help him with night terrors and helps him sleep § PTSD.

21) Defendant Martija then decides to make Plaintiff start taking a medicine called "Clonidine" which Plaintiff found out not only causes insomnia but also induces nightmares which Plaintiff has been experiencing since being taken off of his original meds and put on this "Clonidine".

22) All of this started transpiring right around the time Plaintiff said that he would be filing a civil complaint to compel the Correctional & Medical Administration to get him the proper treatment, which can be viewed as retaliatory.

23) Plaintiff complained to Defendant Erickson and He said that even though the medical staff answers to him because their contracted through the jail the triage doctor can do what they want basically even when he sees that it's not right and claims that it's the way that they have it set up.

Deliberate Indifference

24) There isn't a 24 hour medical staffer on call at Whiteside County Jail and that compounded with the issues addressed above on how the Plaintiff has been treated since initial notices verbally about a complaint being filed clearly shows Deliberate Indifference because Plaintiff's serious medical need still hasn't been addressed.

25) Defendants Wilhelmi & Erickson knew of, condoned, encouraged and allowed and even participated in the policy, practice and procedures referred to in the above paragraph and failed to take any responsible steps to remedy it.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

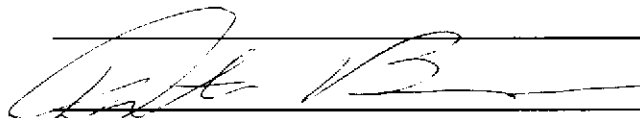
1) As to each claim in this case grant plaintiff declaratory relief. (2) As to each claim raised in this case grant plaintiff damages in U.S. dollars jointly & severally against each defendant. (3) to each claim raised in this case grant plaintiff punitive damages in U.S. dollars jointly & severally against each defendant. (4) Grant attorney's fees. (5) Grant plaintiff all other such relief as this honorable court deems just & fair. (6) Grant plaintiff injunctive ~~relief~~ relief against defendants from using their influence to persuade or retaliating out come in his case that he's currently detained for. (7) Grant plaintiff MRJ.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 25th day of May, 2017



(Signature of plaintiff or plaintiffs)

Dontee L. Brown
(Print name)

20866
(I.D. Number)

400 N. Cherry St.
Morrison IL 61270
(Address)

C. Bonte Bristol

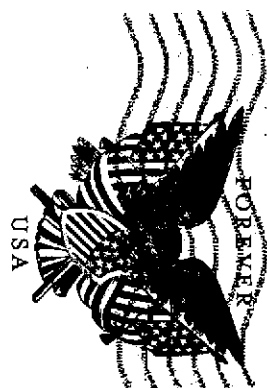
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MORRISON, IL 61270

Legal Mail

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Clerk of The U.S. District Court

U.S. Courthouse

Rockford IL to 1101

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